

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FEDERAL DEPOSIT INSURANCE)
CORPORATION, as Receiver of Heritage)
Community Bank,)
Plaintiff,) Case No. 10 C 07009
v.)
JOHN M. SAPHIR; PATRICK FANNING;)
STEPHEN L. FAYDASH; WILLIAM E.)
HETLER; THOMAS JELINEK; LORI A.)
MOSELEY; STEPHEN ANTHONY;)
JERRY C. BRUCER; JAMES K. CHAMPION)
ANDREW B. NATHAN; and MARY C.)
MILLS,)
Defendants.) Judge Rebecca R. Pallmeyer

**ANDREW NATHAN'S REPLY MEMORANDUM
IN SUPPORT OF MOTION TO DISMISS**

Defendant Andrew B. Nathan, for his reply memorandum in support of his motion to dismiss the complaint, adopts and incorporates the arguments in the reply briefs filed by:

- 1) Thomas Jelinek, William E. Hetler, and Lori A. Moseley;
- 2) John M. Saphir;
- 3) Jerry C. Brucer; and
- 4) Stephen Anthony and James K. Champion.

For the reasons stated therein, Mr. Nathan respectfully requests that the Court dismiss the FDIC's Complaint with prejudice.

Dated: April 29, 2011

Respectfully submitted,

By: s/ Sarah Waxman

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CERTIFICATE OF SERVICE

I, Sarah Waxman, an attorney, hereby certify that on April 29, 2011, service of a copy of the foregoing *Andrew Nathan's Reply Memorandum in Support of Motion to Dismiss* was accomplished pursuant to ECF as to filing users in compliance with Fed. Rule Civ. P. 5(b)(2)(D).

s/ Sarah Waxman